

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, JAIPUR BENCH, JAIPUR

Date of order: 18.09.2000

CP No.8/99 (OA No.470/97)

Ishwar Lal S/o Shri Babu Ram, Carpenter, working under Chief Inspector of Works (C), Western Railway, Phulera, Distt. Jaipur.

.. Petitioner

Versus

1. Hari Mardan Singh, Chief Project Manager, (Construction), Western Railway, Jaipur.
2. Mr. Shashi Mohan Maheshwari, Dy. Chief Engineer (Construction), Western Railway, Ajmer.
3. Mr. V.V.K.E.Soloman, Executive Engineer (Construction), Western Railway, Ajmer.
4. Mr. Anand Kumar Gupta, Chief Inspector of Works (Construction), Western Railway, Ajmer.
5. Mr. V.G.Vyas, Assistant Engineer (Construction), Western Railway, Ajmer.
6. Mr. Nepal Singh, Divisional Rail Manager, Western Railway, Jaipur.
7. Mr. Vidhyadhar Singh Kaswan, Sr. Divisional Engineer (Hqs.) Divisional Office, Western Railway, Jaipur.

.. Respondents

None present for the petitioner

Mr.U.D.Sharma, proxy counsel to Mr. T.P.Sharma, counsel for the petitioner

CORAM:

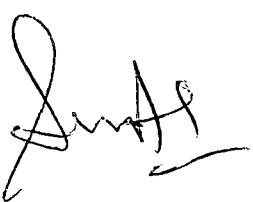
Hon'ble Mr. S.K.Agarwal, Judicial Member

Hon'ble Mr. N.P.Nawani, Administrative Member

Order

Per Hon'ble Mr. S.K. Agarwal Judicial Member

In this Contempt Petition arising out of an order dated



5.3.1998 in OA No.470/97.

2. Vide order dated 5.3.1998 this Tribunal delivered the following directions:-

"In the circumstances, we direct that the respondents shall consider the applicant's case for regularisation in the post of Carpenter, a Group-C post, against 25% promotion quota, if the applicant is found to be senior enough and he falls within the zone of consideration depending upon the availability of vacancy as per rules in the light of the provisions contained in item-3 of the Railway Board's instructions dated 9.4.97, referred to above. In regard to any other grievance, the applicant may make a representation to the concerned authority and if he is still aggrieved, he may file a fresh OA."

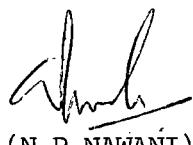
3. It is stated by the petitioner that opposite parties have wilfully and deliberately disobeyed the orders of this Tribunal thereby committed contempt. Therefore, he has requested to punish the opposite parties for the alleged contempt.

4. Reply was filed. In the reply, it has been stated categorically that respondents have bonafidely, faithfully and sincerely complied with and implemented the directions of this Tribunal as contained in the order dated 5.3.1998. It has also been stated in the reply that the time taken in implementing the said directions was due to consideration of the matter at various administrative levels and delay in implementing the order is neither wilful nor deliberate. Therefore, as per reply given by the opposite parties, opposite parties have requested to dismiss this Contempt Petition.

*[Signature]*

5. Disobedience of this Tribunal's order amounts to contempt only when it is deliberate and wilful. Merely implementing the order slightly late does not become ipso facto a basis to say that there was a deliberate and wilful disobedience on the part of the opposite parties. As no evidence could be furnished by the petitioner which could establish the fact of deliberate and wilful disobedience on the part of the opposite parties. Therefore, in view of the submissions made by the opposite parties and order has been complied with, we do not find any basis to say that opposite parties have committed contempt of the order passed by this Tribunal dated 5.3.1998.

6. We, therefore, dismiss this Contempt Petition and notices issued against the opposite parties are hereby discharged.



(N.P.NAWANI)

Adm. Member



(S.K.AGARWAL)

Judl. Member